



NO. 2020-20

A RESOLUTION OF THE SANDY CITY COUNCIL ADOPTING DESIGN STANDARDS FOR SMALL WIRELESS FACILITIES IN THE CITY RIGHTS OF WAY.

WHEREAS, the City of Sandy (“City”) has Constitutional and Charter authority to manage its rights-of-way (“ROW”); and

WHEREAS, Sandy Municipal Code Title 12 imposes public works standards and regulates public works and utilities, including City management of the ROW and utilities operating in the ROW; and

WHEREAS, the City Council finds that the installation of Small Wireless Facilities (“SWF”) in the City ROW, which is a limited asset, should be regulated by standards that specifically address SWF-specific issues; and

WHEREAS, the City Council desires to establish by resolution SWF design standards applicable in addition to the requirements imposed by Title 12 of the Sandy Municipal Code;

NOW, THEREFORE, THE CITY OF SANDY RESOLVES AS FOLLOWS:

Section 1. The City of Sandy Small Wireless Facilities Design Standards, attached hereto as Exhibit “A” is hereby adopted.

Section 2. This Resolution is and shall be effective immediately upon its adoption by the City Council.

This resolution is adopted by the Common Council of the City of Sandy and approved by the Mayor this 03 day of August 2020

A handwritten signature in black ink, appearing to read "Stan Pulliam", is written over a horizontal line.

Stan Pulliam, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Jeff Aprati". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the end.

Jeff Aprati, City Recorder

EXHIBIT “A”

Small Wireless Facility Design Standards

A. Definitions

“**Antenna**” means the same as defined in 47 C.F.R. § 1.6002(b), as may be amended or superseded, which defines the term to mean an apparatus designed for the purpose of emitting radiofrequency (RF) emission, to be operated or operating from a fixed location pursuant to Federal Communication Commission authorization, for the provision of personal wireless service and any commingled information services. For purposes of this definition, the term antenna does not include an unintentional radiator, mobile station, or device authorized under 47 C.F.R. Part 15.

“**Antenna equipment**” means the same as defined in 47 C.F.R. § 1.6002(c), as may be amended or superseded, which defines the term to mean equipment, switches, wiring, cabling, power sources, shelters or cabinets associated with an antenna, located at the same fixed location as the antenna, and, when collocated on a structure, is mounted or installed at the same time as such antenna.

“**Antenna facility**” means the same as defined in 47 C.F.R. § 1.6002(d), as may be amended or superseded, which defines the term to mean an antenna and associated accessory equipment.

“**Applicable codes**” means uniform building, fire, safety, electrical, plumbing, or mechanical codes adopted by a recognized national code organization or state or local amendments to those codes that are of general application and consistent with state and federal law.

“**Applicant**” means any person who submits an application as or on behalf of a wireless provider.

“**Application**” means requests submitted by an applicant: (i) for permission to collocate small wireless facilities; or (ii) to approve the installation, modification or replacement of a structure on which to collocate a small wireless facility in the rights-of-way, where required.

“**Collocate**” or “**collocation**” means the same as defined in 47 C.F.R. § 1.6002(g), as may be amended or superseded, which defines that term to mean (1) mounting or installing an antenna facility on a preexisting structure, and/or (2) modifying a structure for the purpose of mounting or installing an antenna facility on that structure.

“**Day**” means calendar day. For purposes of the FCC shot clocks, a terminal day that falls on a holiday or weekend shall be deemed to be the next immediate business day.

“**Decorative pole**” means a city structure that is specially designed and placed for aesthetic purposes.

“**Historic district**” means a group of buildings, properties, or sites that are either: (1) listed in the National Register of Historic Places or formally determined eligible for listing by the Keeper of

the National Register in accordance with Section VI.D.1a.i-v of the Nationwide Programmatic Agreement codified at 47 C.F.R. Part 1, Appendix C; or, (2) a locally designated historic district.

“Person” means an individual, corporation, limited liability company, partnership, association, trust, or other entity or organization, including the City.

“Pole” means a type of structure in the rights-of-way that is or may be used in whole or in part by or for wireline communications, electric distribution, lighting, traffic control, signage, or similar function, or for collocation of small wireless facilities consistent with applicable codes; provided, such term does not include a tower, building or electric transmission structures.

“Rights-of-way” or “ROW” means the same as provided in Chapter 12.02.050.

“Small wireless facility” means a facility that meets each of the following conditions per the 47 C.F.R § 1.6002(l), as may be amended or superseded:

1. The proposed facilities meet one of the following height parameters:
 - a. are mounted on structures 50 feet or less in height including their antennas as defined in 47 C.F.R. § 1.1320(d), or
 - b. are mounted on structures no more than 10 percent taller than other adjacent structures, or
 - c. do not extend existing structures on which they are located to a height of more than 50 feet or by more than 10 percent, whichever is greater.
2. Each antenna or antenna enclosure shall not exceed three cubic feet in volume; and
3. The total volume of accessory equipment external to the pole (including, but not limited to cabinets, vaults, boxes, radios, panels and) shall not exceed twenty-eight (28) cubic feet. This maximum applies to all equipment installed at the time of original application and includes any equipment to be installed at a future date. Antennas and antenna enclosures are excluded. If equipment exceeds this maximum, the installation will be redefined as a “Macro” site installation and all the applicable standards, procedures and rates for Macro installations will be applied.
4. The facilities, as demonstrated by an applicant, do not result in human exposure to radio frequency radiation in excess of the applicable safety standards specified in the FCC’s Rules and Regulations [47 C.F.R. § 1.1307(b)].

“Structure” means the same as provided in 47 C.F.R. § 1.6002(m), as may be superseded or amended, which defines the term as a pole, tower, base station, or structure, whether or not it has an existing antenna facility, that is used or to be used for the provision of personal wireless service (whether on its own or comingled with other types of service).

B. General Requirements.

1. Ground-mounted and equipment in the right-of-way is discouraged, unless the applicant can demonstrate that pole-mounted equipment is not technically feasible, or the electric utility requires placement of equipment on the ground (such as an electric meter). If ground-mounted equipment is necessary, then the applicant shall conceal the equipment in a cabinet, in street furniture or with landscaping.

In addition, both ground-mounted and pole-mounted antenna equipment (not including antennas) is discouraged in areas where utilities have been undergrounded, unless the applicant can demonstrate that undergrounding such antenna equipment is not technically feasible. If ground-mounted equipment is necessary, then the applicant shall conceal the equipment in a cabinet, in street furniture or with landscaping.

2. Replacement poles, new poles and all antenna equipment shall comply with the Americans with Disabilities Act (“ADA”), city construction and sidewalk clearance standards and city, state and federal laws and regulations in order to provide a clear and safe passage within, through and across the right-of-way. Further, the location of any replacement pole, new pole, and/or antenna equipment must comply with applicable traffic requirements, not interfere with utility or safety fixtures (e.g., fire hydrants, traffic control devices), and not adversely affect public health, safety or welfare.
3. Replacement poles shall be located as near as feasible to the existing pole. The abandoned pole must be removed within 30 days.
4. Any replacement pole shall substantially conform to the material and design of the existing pole or adjacent poles located within the contiguous right-of-way unless a different design is requested and approved pursuant to Section H, below.
5. No advertising, branding or other signage is allowed unless approved by the Public Works Director as a concealment technique or as follows:
 - a. Safety signage as required by applicable laws, regulations, and standards; and
 - b. Identifying information and 24-hour emergency telephone number (such as the telephone number for the operator’s network operations center) on wireless equipment in an area that is visible.
6. The total volume of any individual antenna on one structure shall not exceed three cubic feet unless additional antenna volume is requested and approved pursuant to Section H, below.
7. The total volume of all other associated equipment shall not exceed 28 cubic feet in volume.
8. Antennas and accessory equipment shall not be illuminated except as required by municipal, federal or state authority, provided this shall not preclude deployment on a new or replacement street light.

9. Small wireless facilities may not displace any existing tree or landscape features unless:
(a) such displaced tree or landscaping is replaced with native and/or drought-resistant trees, plants or other landscape features approved by the City and (b) the applicant submits and adheres to a landscape maintenance plan.

C. Small Wireless Facilities Attached to Wooden Poles and Non-Wooden Poles with Overhead Lines. Small wireless facilities located on wooden utility poles and non-wooden utility poles with overhead lines shall conform to the following design criteria:

1. Proposed antenna and related equipment shall meet:
 - a. The City’s design standards for small wireless facilities;
 - b. The pole owner requirements; and
 - c. National Electric Safety Code (“NESC”) and National Electric Code (“NEC”) standards.
2. The pole at the proposed location may be replaced with a taller pole or extended for the purpose of accommodating a small wireless facility; provided that the replacement or extended pole does not exceed 50 feet in height or 10 percent taller than adjacent poles, whichever is greater. The replacement or extended pole height may be increased if required by the pole owner, and such height increase is the minimum necessary to provide sufficient separation and/or clearance from electrical and wireline facilities. Such replacement poles may either match the approximate color and materials of the replaced pole or shall be the standard new pole used by the pole owner in the City.
3. To the extent technically feasible, antennas, equipment enclosures, and all ancillary equipment, boxes, and conduit shall match the approximate material and design of the surface of the pole or existing equipment on which they are attached, or adjacent poles located within the contiguous right-of-way. Near matches may be permitted by the City when options are limited by technical feasibility considerations, such as when high-frequency antennas cannot be placed within an opaque shroud but could be wrapped with a tinted film.
4. Antennas which are mounted on poles shall be mounted as close to the pole as technically feasible and allowed by the pole owner.
5. No antenna shall extend horizontally more than 20 inches past the outermost mounting point (where the mounting hardware connects to the antenna) unless additional antenna space is requested and approved pursuant to Section H, below.
6. Antenna equipment, including but not limited to radios, cables, associated shrouding, disconnect boxes, meters, microwaves, and conduit, which is mounted on poles shall be mounted as close to the pole as technically feasible and allowed by the pole owner.
7. Antenna equipment for small wireless facilities must be attached to the pole, unless required by the City to be undergrounded. Antenna equipment may be ground mounted

only if required by the pole owner or otherwise permitted to be ground-mounted [pursuant to subsection (B)(1), above]. Any ground mounted equipment must be placed in an enclosure reasonably related in size to the intended purpose of the facility.

8. All cables and wiring shall be covered by conduits and cabinets to the extent that it is technically feasible, if allowed by the pole owner. The size and number of conduits shall be minimized to maximum extent technically feasible.

D. Small Wireless Facilities Attached to Non-Wooden Light Poles and Non-Wooden Utility Poles without Overhead Utility Lines. Small wireless facilities attached to existing or replacement non-wooden light poles and non-wooden utility poles without overhead lines shall conform to the following design criteria unless a deviation is requested and approved pursuant to Section H, below:

1. **External Equipment.** The antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the pole or be mounted as close to the pole as feasible and must be reasonably related in size to the intended purpose of the facility and reasonable expansion for future frequencies and/or technologies, not exceed the volumetric requirements described in Section A, above. If the equipment enclosure(s) is mounted on the exterior of the pole, the applicant is encouraged to place the equipment enclosure(s) behind any decorations, banners or signs that may be on the pole. Conduit and fiber must be fully concealed within the pole.
2. **Concealed Equipment.** All equipment (excluding disconnect switches), conduit and fiber must be fully concealed within the pole. The antennas must be camouflaged to appear as an integral part of the pole or be mounted as close to the pole as feasible.
3. Any replacement pole shall substantially conform to the material and design of the existing pole or adjacent poles located within the contiguous right-of-way unless a different design is requested and approved pursuant to Section H, below.
4. The height of any replacement pole may not extend more than 10 feet above the height of the existing pole, unless required in writing by the pole owner.

E. New Poles. The City prefers that applicants proposed small wireless facilities on existing or replacement poles to mitigate the impact of new vertical structures in the rights-of-way. To the extent that no existing or replacement pole would be technically feasible, small wireless facilities may be attached to new poles that are not replacement poles under Section C or D, installed by the wireless provider, subject to the following criteria:

1. Antennas, antenna equipment and associated equipment enclosures (excluding disconnect switch)s, conduit and fiber shall be fully concealed within the structure. If such concealment is not technically feasible, or is incompatible with the pole design, then the antennas and associated equipment enclosures must be camouflaged to appear as an integral part of the structure or mounted as close to the pole as feasible, and must be reasonably related in size to the intended purpose of the facility, not to exceed the volumetric requirements for small wireless facilities as provided in Section (A), above.

2. To the extent technically feasible, all new poles and pole-mounted antennas and equipment shall substantially conform to the material and design of adjacent poles located within the contiguous right-of-way unless a different design is requested and approved pursuant to Section H, below.
3. **Overall Height.** New poles shall be no more than fifty (50) feet in height or the height of adjacent structures in the right-of-way, whichever is less, unless additional height is requested and approved pursuant to Section H, below..
4. **Existing or Replacement Poles Preferred.** The city prefers that wireless providers install small wireless facilities on existing or replacement poles instead of installing new poles, unless the wireless provider can document that installation on an existing or replacement pole is not technically feasible or otherwise not possible (due to safety considerations, or other reasons acceptable to the Public Works Director).

F. Historic District Requirements.

Small wireless facilities or poles to support collocation of small wireless facilities located in Historic Districts shall be designed to have a similar appearance, including material and design elements, if technically feasible, of other poles in the rights-of-way within 500 feet of the proposed installation. Any such design or concealment measures may not be considered part of the small wireless facility for purpose of the size restrictions in the definition of small wireless facility.

G. Strand Mounted Equipment. Strand mounted small wireless facilities are permitted, subject to the following criteria:

1. Each strand mounted small wireless facility shall not exceed 3 cubic feet in volume, unless a deviation is requested and approved pursuant to Section H, below.
2. Only 2 strand mounted wireless facility is permitted between any two existing poles.
3. Strand mounted devices shall be placed as close as possible to the nearest pole and in no event more than five feet from the pole unless a greater distance is required by the pole owner.
4. No strand mounted device will be located in or above the portion of the roadway open to vehicular traffic.
5. Strand mounted devices must be installed with the minimum excess exterior cabling or wires (other than original strand) to meet the technological needs of the facility.

H. Deviation from Design Standards.

1. An applicant may obtain a deviation from these design standards if compliance with the standard: (a) is not technically feasible; (b) impedes the effective operation of the small wireless facility; (c) impairs a desired network performance objective; (d) conflicts with pole owner requirements; or (e) otherwise materially inhibits or limits the provision of

wireless service. Applicants requesting such deviations shall specifically document the underlying reason for the deviation requested.

2. When requests for deviation are sought under subsections (H)(1)(a-e), the request must be narrowly tailored to minimize deviation from the requirements of these design standards, and the Public Works Director must find the applicant's proposed design provides similar aesthetic value when compared to strict compliance with these standards.
3. The Public Works Director may also allow for a deviation from these standards when they find the applicant's proposed design provides equivalent or superior aesthetic value when compared to strict compliance with these standards.
4. The small wireless facility design approved under this Section H must meet the conditions of 47 C.F.R. § 1.6002(l).
5. [The Public Works Director] will review and may approve a request for deviation to the minimum extent required to address the applicant's needs or facilitate a superior design.